

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE OHIO CASUALTY INSURANCE
COMPANY,

Plaintiff,

v.

D & R EXCAVATION, INC., a Washington
corporation; DOUGLAS D. HOFFMAN and
SUSAN K. HOFFMAN, and the marital
community composed thereof; CPM
DEVELOPMENT CORP. dba ICON
MATERIALS, a Washington corporation;
and KING COUNTY, a political subdivision
of the State of Washington,

Defendant.

No.: 2:22-cv-00137-JNW

STIPULATED MOTION AND
~~[PROPOSED]~~ ORDER TO CONTINUE
PRETRIAL STATEMENT DEADLINES

NOTED: AUGUST 24, 2023

I. STIPULATED MOTION

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Court Rules 16(b)(6), Plaintiff Ohio Casualty Insurance Company (“Ohio”), Defendant CPM Development Corp. dba ICON Materials (“ICON”), and Defendants D & R Excavation, Inc., Douglas D. Hoffman and Susan K. Hoffman (collectively, “D&R”), by and through their undersigned counsel of record, hereby stipulate to and respectfully seek an order modifying the pretrial statement deadlines in this matter to (1) September 11, 2023 for Ohio, and (2) September 18, 2023 for

1 ICON and D&R.

2 The parties' pretrial statements in this matter are presently due (1) August 28, 2023
3 for Ohio, and (2) September 5, 2023 for ICON and D&R. However, the Court has set a
4 hearing on September 6, 2023 at 9:00 am, to hear oral arguments on two pending motions,
5 including ICON's Motion for Summary Judgment, or in the Alternative, Partial Summary
6 Judgment (Dkt. 48) and Ohio's Motion to Stay (Dkt. 41). ICON's motion seeks a
7 declaratory judgment to determine insurance coverage with respect to a lawsuit filed in state
8 court, captioned *King County v. CPM Dev. Corp.*, King County Superior Court Case No. 19-
9 2-22896-2 SEA (the "Underlying Action"). Ohio's motion seeks a stay of this lawsuit until
10 the Underlying Action is resolved. The parties have agreed that the Court's rulings on the
11 two pending motions may have a significant impact on the parties' pretrial statements, or,
12 possibly, even render them moot. Particularly, the parties anticipate that the Court's ruling
13 on ICON's motion will render each party to submit different pretrial statements if they
14 submit them consistent with current deadlines than they would with the permission to submit
15 them after the Court's ruling. The parties also anticipate that the Court's ruling on either
16 motion may even render the pretrial statements moot.

17 Accordingly, the parties stipulate and request that the parties' pretrial statements be
18 submitted after the September 6, 2023 hearing—September 11 for Ohio and September 18
19 for ICON and D&R. The parties have agreed that the current deadline for the parties to file a
20 joint pretrial order to remain on October 10, 2023.

21 For the above reasons, the parties respectfully request that the deadlines for the
22 pretrial statements be extended to (1) September 11, 2023 for Ohio, and (2) September 18,
23 2023 for ICON and D&R.

24 All other pre-trial deadlines remain the same.

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1 DATED: this 24th day of August, 2023

2 BULLIVANT HOUSER BAILEY PC

LINVILLE LAW FIRM, PLLC

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14 *Attorneys for Defendant and Cross-*
15 *Claimant CPM Development Corp. dba*
16 *ICON Materials*

II. ORDER

The Court having considered the foregoing stipulation of the parties, and concluding that good cause exists, it is hereby ORDERED as follows:

The pretrial statements date is continued to September 11, 2023 for Ohio, and September 18, 2023 for ICON and D&R.

DATED this 25th day of August, 2023



Jamal N. Whitehead
United States District Judge

Presented by:

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Attorneys for Defendant and Cross-Claimant CPM Development Corp. dba ICON Materials

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF e-filing system which will send notification of such filing to the persons listed below:

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via hand delivery.
 via first class mail.
 via email
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Attorney for Defendant King County

Dated: August 25, 2023.

/s/ Christi Bass

Christi Bass, Legal Assistant

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